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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/937,191	01/03/2002	Walter Schubert	HSS-022XX	6276

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EXAMINER	
YU, MISOOK	

ART UNIT	PAPER NUMBER
1642	

DATE MAILED: 02/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/937,191	SCHUBERT, WALTER	
	Examiner	Art Unit	
	MISOOK YU, Ph.D.	1642	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 October 2003*.

2a)☐ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-26* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☒ Claim(s) *1-26* are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group 1, claim(s) 1-8, 16, 21-26, drawn to use of CD4 inhibitor in preparation of medicament and pharmaceutical using said CD4 inhibitor. If applicant elects group 1, claims 1-11 will be examined to the extent they are drawn to CD4.

Group 2, claim(s) 1-8, 16, 21-26, drawn to use of CD8 inhibitor in preparation of medicament and pharmaceutical using said CD8 inhibitor. If applicant elects group 2, claims 1-11 will be examined to the extent they are drawn to CD8.

Group 3, claim(s) 1-8, 16, 21-26, drawn to use of HLA-DR inhibitor in preparation of medicament and pharmaceutical of using said HLA-DR inhibitor. If applicant elects group 3, claims 1-11 will be examined to the extent they are drawn to HLA-DR.

Group 4, claim(s) 1-8, 16, 21-26, drawn to use of HLA-DQ inhibitor in preparation of medicament and pharmaceutical using said HLA-DQ inhibitor. If applicant elects group 4, claims 1-11 will be examined to the extent they are drawn to HLA-DQ.

Group 5, claim(s) 1-8, 16, 21-26, drawn to use of CD3 inhibitor in preparation of medicament and pharmaceutical said CD3 inhibitor. If applicant elects group 5, claims 1-11 will be examined to the extent they are drawn to CD3.

Group 6, claim(s) 1-8, 16, 21-26, drawn to use of CD26 inhibitor in preparation of medicament and pharmaceutical said CD26 inhibitor. If applicant elects group 6, claims 1-11 will be examined to the extent they are drawn to CD26.

Group 7, claim(s) 1-8, 16, 21-26, drawn to use of CD38 inhibitor in preparation of medicament and pharmaceutical using said CD38 inhibitor. If applicant elects group 7, claims 1-11 will be examined to the extent they are drawn to CD38.

Group 8, claim(s) 1-8, 16, 21-26, drawn to use of CD45RA inhibitor in preparation of medicament and pharmaceutical using said CD45RA inhibitor. If applicant elects group 8, claims 1-11 will be examined to the extent they are drawn to CD45RA.

Group 9, claim(s) 1-8, 16, 21-26, drawn to use of CD16 inhibitor in preparation of medicament and pharmaceutical using said CD16 inhibitor. If applicant elects group 9, claims 1-11 will be examined to the extent they are drawn to CD16.

Group 10, claim(s) 1-8, 16, 21-26, drawn to use of CD57 inhibitor in preparation of medicament and pharmaceutical using said CD57 inhibitor. If applicant elects group 10, claims 1-11 will be examined to the extent they are drawn to CD57.

Group 11, claim(s) 1-8, 16, 21-26, drawn to use of CD56 inhibitor in preparation of medicament and pharmaceutical said CD56 inhibitor. If applicant elects group 11, claims 1-11 will be examined to the extent they are drawn to CD56.

Group 12, claim(s) 1-8, 16, 21-26, drawn to use of CD7 inhibitor in preparation of medicament and pharmaceutical using said CD7 inhibitor. If applicant elects group 12, claims 1-11 will be examined to the extent they are drawn to CD7.

Group 13, claim(s) 1-8, 16, 21-26, drawn to use of CD54 inhibitor in preparation of medicament and pharmaceutical using said CD54 inhibitor. If applicant elects group 13, claims 1-11 will be examined to the extent they are drawn to CD54.

Group 14, claim(s) 1-8, 16, 21-26, drawn to use of CD58 inhibitor in preparation of medicament and pharmaceutical using said CD58 inhibitor. If applicant elects group 14, claims 1-11 will be examined to the extent they are drawn to CD58.

Group 15, claim(s) 1-8, 16, 21-26, drawn to use of CD138 inhibitor in preparation of medicament and pharmaceutical using said CD138 inhibitor. If applicant elects group 15, claims 1-11 will be examined to the extent they are drawn to CD138 inhibitor.

Group 16, claim(s) 1-8, 16, 21-26, drawn to use of CD13 inhibitor in preparation of medicament and pharmaceutical using said CD13 inhibitor. If applicant elects group 16, claims 1-11 will be examined to the extent they are drawn to CD13 inhibitor.

Group 17, claim(s) 1-8, 16, 21-26, drawn to use of CD62L inhibitor in preparation of medicament and pharmaceutical using said CD62L inhibitor. If applicant elects group 17, claims 1-11 will be examined to the extent they are drawn to CD62L inhibitor.

Group 18, claim(s) 1-8, 16, 21-26, drawn to use of CD71 inhibitor in preparation of medicament and pharmaceutical using said CD71 inhibitor. If applicant elects group 18, claims 1-11 will be examined to the extent they are drawn to CD71 inhibitor.

Group 19, claim(s) 1-8, 16, 21-26, drawn to use of CD11b inhibitor in preparation of medicament and pharmaceutical using said CD11b inhibitor. If applicant elects group 19, claims 1-11 will be examined to the extent they are drawn to CD11b inhibitor.

Group 20, claim(s) 1-8, 16, 21-26, drawn to use of CD36 inhibitor in preparation of medicament and pharmaceutical using said CD36 inhibitor. If applicant elects group 20, claims 1-11 will be examined to the extent they are drawn to CD36 inhibitor.

Group 21, claim(s) 1-8, 16, 21-26, drawn to use of CD21 inhibitor in preparation of medicament and pharmaceutical using said CD21 inhibitor. If applicant elects group 21, claims 1-11 will be examined to the extent they are drawn to CD21 inhibitor.

Group 22, claim(s) 1-8, 16, 21-26, drawn to use of CD49d inhibitor in preparation of medicament and pharmaceutical using said CD49d inhibitor. If applicant elects group 22, claims 1-11 will be examined to the extent they are drawn to CD49d inhibitor.

Group 23, claim(s) 1-8, 16, 21-26, drawn to use of CD18 inhibitor in preparation of medicament and pharmaceutical using said CD18 inhibitor. If applicant elects group 23, claims 1-11 will be examined to the extent they are drawn to CD18 inhibitor.

Group 24, claim(s) 1-8, 16, 21-26, drawn to use of CD49f inhibitor in preparation of medicament and pharmaceutical using said CD49f inhibitor. If applicant elects group 24, claims 1-11 will be examined to the extent they are drawn to CD49f inhibitor.

Group 25, claim(s) 1-8, 16, 21-26, drawn to use of CD19 inhibitor in preparation of medicament and pharmaceutical using said CD19 inhibitor. If applicant elects group 25, claims 1-11 will be examined to the extent they are drawn to CD19 inhibitor.

Group 26, claim(s) 1-8, 16, 21-26, drawn to use of CD2 inhibitor in preparation of medicament and pharmaceutical using said CD2 inhibitor. If applicant elects group 26, claims 1-11 will be examined to the extent they are drawn to CD2 inhibitor.

Group 27, claim(s) 1-8, 16, 21-26, drawn to use of CD20 inhibitor in preparation of medicament and pharmaceutical using said CD20 inhibitor. If applicant elects group 27, claims 1-11 will be examined to the extent they are drawn to CD20 inhibitor.

Group 28, claim(s) 1-8, 16, 21-26, drawn to use of CD10 inhibitor in preparation of medicament and pharmaceutical using said CD10 inhibitor. If applicant elects group 28, claims 1-11 will be examined to the extent they are drawn to CD10 inhibitor.

Group 29, claim(s) 1-8, 16, 21-26, drawn to use of CD44 inhibitor in preparation of medicament and pharmaceutical using said CD44 inhibitor. If applicant elects group 29, claims 1-11 will be examined to the extent they are drawn to CD44 inhibitor.

Group 30, claim(s) 1-8, 16, 21-26, drawn to use of CD80 inhibitor in preparation of medicament and pharmaceutical using said CD80 inhibitor. If applicant elects group 30, claims 1-11 will be examined to the extent they are drawn to CD80 inhibitor.

Group 31-60, claim(s) 9-15, 17-20 drawn to method of identifying a useful compound using each of the product listed in groups 1-30 above.

The inventions listed as Groups 1-60 do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: the first claim does not contribute over the art. WO 9844923 A (a copy provided in ISR) teaches the claimed invention.

This application contains claims directed to two genuses. These species from the two genuses are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species of the first genus are as follows: homophtlamide type, actinonin, bestatin, or antibody.

The species of the second genus are as follows: autoimmune diseases, rejections of transplanted organs, allergies.

Applicant is required, in reply to this action, to elect a single species from each of the two genuses to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims

are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: the first claim do not contribute over the art. WO 9844923 A (a copy provided in ISR) teaches the claimed invention.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MISOOK YU, Ph.D. whose telephone number is 571-272-0839. The examiner can normally be reached on 8 A.M. to 5:30 P.M., every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yvonne C Eyler can be reached on 571-272-0871. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MISOOK YU, Ph.D.
Examiner
Art Unit 1642

LARRY R. HELMS, PH.D
PRIMARY EXAMINER